IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7638 of 2008
GYANI SINGH @ GYANDEV SINGH @ GYANENDRA SINGH
Versus
THE STATE OF BIHAR
with

Cr.Misc. No.9901 of 2008
PAPPU MAHTO @ RAMANUGRAH PRASAD
Versus
STATE OF BIHAR
with

Cr.Misc. No.13089 of 2008
CHANDAN SINGH
Versus
STATE OF BIHAR
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7 18/09/2008 Above noted applications arise out of one occurrence i.e. Sarmera P.S. Case No. 28 of 2006 as such they are being heard together and disposed of by this common order.

The petitioners are accused of a case which has been registered under sections 302, 120 B/34 of the Indian Penal Code and section 27 of the Arms Act in which nine persons were shot dead by the miscreants in the broad day light.

Submission on behalf of learned counsel for the petitioner Gyani Singh is that trial of the petitioner is going on in which informant and other witnesses have been examined but they have not supported the prosecution case so far as the petitioner is concerned. Other witnesses who have been examined under section 161 Cr.P.C. has also not supported the allegation when they have been examined as witness in the trial court. Therefore, this is a case of no evidence against the petitioner.

On behalf of others it has been submitted that the witnesses

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who have been examined are not reliable and they are not consistent in their evidences rather they have given contradictory statement.

This is a case which can be said to be a carnage in which nine persons have been shot dead in the broad day light. The complicity of the petitioners have been stated by the witness in course of investigation so I am not inclined to enlarge the petitioners on bail. Accordingly, their prayer for bail is rejected.

However, court below is directed to conclude the trial of accused Gyani Singh @ Gyanendra Singh at early point of time because majority of the witnesses have been examined in this case. So far as the other two petitioners are concerned court below is directed to see that their cases are committed so that the trial begins without delay.

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avin **(Shyam Kishore Sharma, J.)**